

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

HENRY CHUNG

Docket: 30-4718 (4780)

Serial Number: 09/328,645

Group Art Unit: 2811

Filed: June 9, 1999

Examiner: H. Vu

For: A FABRICATION METHOD OF INTEGRATED CIRCUITS WITH
BORDERLESS VIAS AND LOW DIELECTRIC-CONSTANT INTER-METAL
DIELECTRICS

13
Election
F Jones
3-14-02

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action mailed December 23, 1999, please consider the following remarks.

REMARKS

Applicants re-traverse the restriction requirement of October 8, 1999. It is submitted that the Examiner may require restriction only if two or more independent and distinct inventions are claimed in one application. Applicants respectfully re-assert that the Examiner failed to provide a showing of distinctness. The Examiner now asserts that the term *and* is known to be interpreted to mean *or*, thereby absolving him of the distinctness requirement. Applicants respectfully submit that there has historically been a clear difference between statutory language containing the words *and* and *or*. It is submitted that a clear statutory requirement under 35 USC 121 does not permit these two words to be used interchangeably or be interpreted to have the same meaning. Applicants respectfully request reconsideration of the restriction requirement and a rejoining of all claims.

#10

FAX COVER SHEET

TO: Assistant Commissioner for Patents
Washington, D.C. 20231

FAX NO.: (703) -308-7722

FROM: Richard S. Roberts
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KINDLY DIRECT THIS COMMUNICATION TO:

EXAMINER : H. Vu
GROUP : 2811

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